

First you announce in the first sentence that the employees shall have the right to bargain collectively through representatives of their own choosing. That is a bald right which is very clear. The situation would be subject to such regulations as the General Assembly may prescribe by law. That would mean, as I interpret it, that the legislature would have a right to say in a procedural way, how this right should be exercised, almost like the ownership of land.

You have the right to own land but the legislature certainly has the right to decide the use of it.

THE CHAIRMAN: I think I know what Delegate Miller was driving at. Let me see if this would carry out your suggestion; if before the word in line 7, Delegate Miller, you inserted the words "and the exercise of such right", and then went on, would that be the point that you are making?

DELEGATE JAMES: Yes.

THE CHAIRMAN: Delegate Miller?

DELEGATE MILLER: Mr. Chairman, I think at this point I would agree with Delegate Scanlan. I do not think that there is anything in what we did this morning which would preclude the General Assembly from acting.

I do not know why we have to say it here. We have not said it in any other rights that we have adopted in the Bill of Rights. We do not assume that the General Assembly does not have the right to act in the other cases. I would assume the same thing would be true here. I think we are attempting to legislate on the floor and I would suggest —

THE CHAIRMAN: Very well.

DELEGATE JAMES: I would like to press for the modification. I think this is quite a bit different from any of the other proposals we have had for inclusion in the Bill of Rights. This is a grant to the people of the State of a right to collective bargaining.

Certainly this right should recognize the reasonable exercise thereof through legislative control, and without legislative control, I can see that the right might become meaningless.

THE CHAIRMAN: Delegate Bothe, do you have a question?

DELEGATE BOTHE: Yes.

THE CHAIRMAN: Delegate James, do you yield to another question?

DELEGATE JAMES: Yes.

THE CHAIRMAN: Delegate Bothe.

DELEGATE BOTHE: By your amendment, Delegate James, it is apparent that you are not satisfied with the responses which I gave this morning to the Chair and the various delegates on the subject of whether the General Assembly would be able to write implementing legislation to go with this statement of principle in the constitution.

THE CHAIRMAN: Is that a question?

DELEGATE BOTHE: Yes, it is a question.

The question is simply this: are you not satisfied that the General Assembly would be able to write implementing legislation?

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: I am satisfied with your explanation but an explanation which might prove to be futile in the face of flat constitutional language which says that employees shall be entitled to collective bargaining by agents of their own choosing. It is very conceivable — this is a problem in labor relations all the time, where you have craft unions within an industrial union, and they feel that the big industrial union is not really representing their interest properly — that they could well argue that their interests should be represented by a smaller union.

Now, this fractionalization could go to the point where it would be ridiculous and I feel very strongly that the language of the section would give the smaller groups that right, in spite of your explanation.

THE CHAIRMAN: Delegate Bothe, do you have a further question?

DELEGATE BOTHE: Delegate James, I wonder if you would be willing to accept as a substitution for the language you used in Amendment No. 23, language which has frequently been used in conjunction with such provisions, substantially as follows: that the legislature shall implement this section?

THE CHAIRMAN: Delegate James.

DELEGATE JAMES: I think that would be acceptable, some recognition of legislative power to implement it.

THE CHAIRMAN: Delegate Bothe?

Do you have a further question?

DELEGATE BOTHE: I would then ask Delegate James if he would be willing to accept the substitution?